

Senate Study Bill 3060 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to elections and voter registration by
2 modifying proof of identity requirements for election day
3 and in-person absentee registration, requiring proof of
4 identification to vote and creating a criminal offense for
5 falsely swearing certain related oaths and affidavits, and
6 including applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.2, subsection 1, paragraph b, Code
2 2014, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (6) Falsely swears to or affirms an
4 oath required pursuant to section 49.77, subsection 3, or an
5 affidavit pursuant to section 49.81, subsection 5, paragraph
6 "b".

7 Sec. 2. Section 48A.7A, subsection 1, paragraphs a and b,
8 Code 2014, are amended to read as follows:

9 a. A person who is eligible to register to vote and to
10 vote may register on election day by appearing in person at
11 the polling place for the precinct in which the individual
12 resides and completing a voter registration application, making
13 written oath, and providing proof of identity identification
14 and residence, if necessary, proof of residence pursuant to
15 paragraph "b".

16 b. (1) For purposes of this section, a person may establish
17 identity and residence by presenting to the appropriate
18 precinct election official ~~a current and valid Iowa driver's~~
19 ~~license or Iowa nonoperator's identification card or by~~
20 ~~presenting any of the following current and valid forms of~~
21 ~~identification if such identification contains the person's~~
22 ~~photograph and a validity expiration date:~~

23 ~~{a} An out-of-state driver's license or nonoperator's~~
24 ~~identification card.~~

25 ~~{b} A United States passport.~~

26 ~~{c} A United States military identification card.~~

27 ~~{d} An identification card issued by an employer.~~

28 ~~{e} A student identification card issued by an Iowa high~~
29 ~~school or an Iowa postsecondary educational institution~~ proof
30 of identification as described in section 49.77, subsection 3.

31 (2) If the photographic proof of identification presented
32 does not contain the person's current address in the precinct,
33 the person shall also present one of the following documents
34 that shows the person's name and current address in the
35 precinct:

- 1 (a) Residential lease.
- 2 (b) Property tax statement.
- 3 (c) Utility bill.
- 4 (d) Bank statement.
- 5 (e) Paycheck.
- 6 (f) Government check.
- 7 (g) Other government document.

8 Sec. 3. Section 48A.27, subsection 4, paragraph c,
9 subparagraph (2), Code 2014, is amended to read as follows:

10 (2) The notice shall contain a statement in substantially
11 the following form:

12 Information received from the United States postal service
13 indicates that you are no longer a resident of, and therefore
14 not eligible to vote in (name of county) County, Iowa. If this
15 information is not correct, and you still live in (name of
16 county) County, please complete and mail the attached postage
17 paid card at least ten days before the primary or general
18 election and at least eleven days before any other election at
19 which you wish to vote. If the information is correct and you
20 have moved, please contact a local official in your new area
21 for assistance in registering there. ~~If you do not mail in~~
22 ~~the card, you may be required to show identification before~~
23 ~~being allowed to vote in (name of county) County.~~ If you do not
24 return the card, and you do not vote in an election in (name
25 of county) County, Iowa, on or before (date of second general
26 election following the date of the notice) your name will be
27 removed from the list of voters in that county.

28 Sec. 4. Section 48A.29, subsection 1, paragraph b, Code
29 2014, is amended to read as follows:

30 b. The notice shall contain a statement in substantially the
31 following form:

32 Information received from the United States postal service
33 indicates that you are no longer a resident of (residence
34 address) in (name of county) County, Iowa. If this information
35 is not correct, and you still live in (name of county) County,

1 please complete and mail the attached postage paid card at
2 least ten days before the primary or general election and at
3 least eleven days before any other election at which you wish
4 to vote. If the information is correct, and you have moved,
5 please contact a local official in your new area for assistance
6 in registering there. ~~If you do not mail in the card, you may~~
7 ~~be required to show identification before being allowed to vote~~
8 ~~in (name of county) County.~~ If you do not return the card, and
9 you do not vote in some election in (name of county) County,
10 Iowa, on or before (date of second general election following
11 the date of the notice) your name will be removed from the list
12 of voters in that county.

13 Sec. 5. Section 48A.29, subsection 3, paragraph b, Code
14 2014, is amended to read as follows:

15 b. The notice shall contain a statement in substantially the
16 following form:

17 Information received by this office indicates that you are no
18 longer a resident of (residence address) in (name of county)
19 County, Iowa. If the information is not correct, and you still
20 live at that address, please complete and mail the attached
21 postage paid card at least ten days before the primary or
22 general election and at least eleven days before any other
23 election at which you wish to vote. If the information is
24 correct, and you have moved within the county, you may update
25 your registration by listing your new address on the card and
26 mailing it back. If you have moved outside the county, please
27 contact a local official in your new area for assistance in
28 registering there. ~~If you do not mail in the card, you may be~~
29 ~~required to show identification before being allowed to vote in~~
30 ~~(name of county) County.~~ If you do not return the card, and you
31 do not vote in some election in (name of county) County, Iowa,
32 on or before (date of second general election following the
33 date of the notice) your name will be removed from the list of
34 registered voters in that county.

35 Sec. 6. Section 49.53, subsection 1, Code 2014, is amended

1 to read as follows:

2 1. The commissioner shall not less than four nor more than
3 twenty days before the day of each election, except those for
4 which different publication requirements are prescribed by law,
5 publish notice of the election. The notice shall contain a
6 facsimile of the portion of the ballot containing the first
7 rotation as prescribed by section 49.31, subsection 2, and
8 shall show the names of all candidates or nominees and the
9 office each seeks, and all public questions, to be voted upon
10 at the election. The sample ballot published as a part of the
11 notice may at the discretion of the commissioner be reduced in
12 size relative to the actual ballot but such reduction shall not
13 cause upper case letters appearing in candidates' names or in
14 summaries of public measures on the published sample ballot to
15 be less than nine point type. The notice shall also state the
16 date of the election, the hours the polls will be open, that
17 all voters will be required to show proof of identification
18 before casting a ballot, the location of each polling place at
19 which voting is to occur in the election, and the names of the
20 precincts voting at each polling place, but the statement need
21 not set forth any fact which is apparent from the portion of
22 the ballot appearing as a part of the same notice. The notice
23 shall include the full text of all public measures to be voted
24 upon at the election.

25 Sec. 7. Section 49.77, subsection 3, Code 2014, is amended
26 by striking the subsection and inserting in lieu thereof the
27 following:

28 3. a. A precinct election official shall require the voter
29 to present for inspection proof of identification before being
30 allowed to vote.

31 b. For purposes of this section, "*proof of identification*"
32 refers to a document that satisfies all of the following:

33 (1) The document shows the name of the individual to whom
34 the document was issued which shall conform to the name on the
35 election register, except that for an individual registering

1 pursuant to section 48A.7A, the name of the individual need not
2 appear on the election register.

3 (2) The document shows a photograph of the individual to
4 whom it was issued.

5 (3) The document was issued by the government of the
6 United States, the state of Iowa, an Iowa public or private
7 university or college, an Iowa secondary school, or a political
8 subdivision of the state of Iowa. In the case of a document
9 issued by a political subdivision, the document shall be
10 issued not later than the close of voter registration for
11 the applicable election as set forth in section 48A.9 and
12 shall meet all other requirements established by the state
13 commissioner by rule.

14 c. In lieu of paragraph "b", a person wishing to vote may
15 establish proof of identity by written oath of the person
16 wishing to vote and of an attesting person who provides proof
17 of identification pursuant to paragraph "b". The oath shall be
18 in the form prescribed by the state commissioner of elections
19 and shall state the identity and attest to the stated identity
20 of the person wishing to vote. The oath must be signed by the
21 attesting person and the person wishing to vote in the presence
22 of the appropriate precinct election official. A person who
23 has signed an oath attesting to a person's identity as provided
24 in this paragraph is prohibited from signing any further oaths
25 under this paragraph for the same election. The oath shall
26 advise the person wishing to vote and the attesting person that
27 falsely signing such an oath or falsely attesting to a voter's
28 identity is a class "D" felony.

29 d. The commissioner shall, within forty-five days after
30 each election, review all attestations received under this
31 subsection, and if any individual is found to have attested for
32 more than one voter in a particular election, the commissioner
33 shall immediately notify the state commissioner and the county
34 attorney.

35 Sec. 8. Section 49.77, Code 2014, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3A. a. If proof of identification is
3 established under subsection 3, the person shall be allowed to
4 vote.

5 b. If a person whose name appears on the election register
6 or who has registered at the polling place on election day
7 is unable or refuses to present proof of identification,
8 or the precinct election official determines the proof of
9 identification presented by the person does not qualify as
10 proof of identification under subsection 3, paragraph "b",
11 or proof of identity under subsection 3, paragraph "c", the
12 person shall be offered the option to vote a ballot, but only
13 in accordance with section 49.81.

14 Sec. 9. Section 49.77, subsection 4, paragraph a, Code 2014,
15 is amended to read as follows:

16 a. A person whose name does not appear on the election
17 register of the precinct in which that person claims the right
18 to vote shall not be permitted to vote, unless the person
19 affirms that the person is currently registered in the county
20 ~~and presents proof of identity~~, or the commissioner informs
21 the precinct election officials that an error has occurred
22 and that the person is a registered voter of that precinct,
23 and the person presents proof of identification pursuant to
24 subsection 3. If the commissioner finds no record of the
25 person's registration but the person insists that the person
26 is a registered voter of that precinct, and presents proof of
27 identification pursuant to subsection 3, the precinct election
28 officials shall allow the person to cast a ballot in the manner
29 prescribed by section 49.81.

30 Sec. 10. Section 49.81, subsection 1, Code 2014, is amended
31 to read as follows:

32 1. A prospective voter who is prohibited under section
33 48A.8, subsection 4, section 49.77, subsection 3A, paragraph
34 "b", section 49.77, subsection 4, section 49.80, or section
35 53.19, subsection 3, or section 53.22, subsection 1, paragraph

1 "d", from voting except under this section shall be notified by
2 the appropriate precinct election official that the voter may
3 cast a provisional ballot. The voter shall mark the ballot and
4 immediately seal it in an envelope of the type prescribed by
5 subsection 4. The voter shall deliver the sealed envelope to a
6 precinct election official who shall deposit it in an envelope
7 marked "provisional ballots". The ballot shall be considered
8 as having been cast in the special precinct established by
9 section 53.20 for purposes of the postelection canvass.

10 Sec. 11. Section 49.81, subsection 2, paragraph b, Code
11 2014, is amended to read as follows:

12 b. If the person is casting a provisional ballot because
13 the person ~~failed~~ was unable or refused to provide a required
14 form of identification pursuant to section 48A.8, subsection
15 4, section 49.77, subsection 3A, paragraph "b", section 49.77,
16 subsection 4, or section 53.22, subsection 1, paragraph "d", a
17 list of the types of acceptable identification and notification
18 that the person must show identification before the ballot can
19 be counted.

20 Sec. 12. Section 49.81, Code 2014, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 5. a. If a voter casts a provisional
23 ballot pursuant to section 49.77, subsection 3A, paragraph
24 "b", the precinct election official shall indicate on the
25 provisional ballot envelope that the voter is casting a
26 provisional ballot due to the voter's inability or refusal to
27 present proof of identification.

28 b. At the time a provisional ballot is cast, the voter may
29 also execute an affidavit in the form prescribed by the state
30 commissioner which shall be attached to the provisional ballot
31 envelope, affirming that the voter is the person the voter
32 claims to be and further affirming either of the following:

33 (1) The voter is indigent and is unable to obtain proof of
34 identification without the payment of a fee.

35 (2) The voter has a religious objection to being

1 photographed.

2 *c.* A provisional ballot cast pursuant to section 49.77,
3 subsection 3A, paragraph “*b*”, that is accompanied by an
4 affidavit executed pursuant to paragraph “*b*” of this subsection
5 shall be presumed valid by the special precinct board and
6 shall be counted unless additional written statements or
7 documents are delivered to the commissioner’s office prior to
8 the date provisional ballots are considered by the special
9 precinct election board and the special precinct election board
10 determines such additional evidence successfully rebuts the
11 presumption of validity.

12 Sec. 13. Section 53.10, subsection 2, Code 2014, is amended
13 to read as follows:

14 2. Each person who wishes to vote by absentee ballot at
15 the commissioner’s office shall first sign an application
16 for a ballot including the following information: name,
17 current address, and the election for which the ballot is
18 requested. The person may report a change of address or other
19 information on the person’s voter registration record at that
20 time. The person must also provide proof of identification
21 pursuant to section 49.77, subsection 3, or be offered the
22 option to vote a provisional ballot pursuant to section 49.77,
23 subsection 3A, paragraph “*b*”, before receiving an absentee
24 ballot. Upon receipt of the absentee ballot, the registered
25 voter shall immediately mark the ballot; enclose the ballot in
26 a secrecy envelope, if necessary, and seal it in an affidavit
27 envelope; subscribe to the affidavit on the reverse side of the
28 envelope; and return the absentee ballot to the commissioner.
29 The commissioner shall record the numbers appearing on the
30 application and affidavit envelope along with the name of the
31 registered voter.

32 Sec. 14. Section 53.22, subsection 1, Code 2014, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *d.* Before receiving a ballot under
35 this subsection, each applicant shall present proof of

1 identification pursuant to section 49.77, subsection 3, to
2 the special precinct election board members. If an applicant
3 is unable to present proof of identification, the applicant
4 shall have an opportunity to execute an affidavit in the form
5 prescribed by the state commissioner of elections affirming
6 that the voter does not have and is unable to obtain proof of
7 identification and that the voter resides in a hospital or
8 health care facility and is casting a ballot pursuant to this
9 section. If the applicant refuses to execute an affidavit, the
10 voter's ballot shall be considered a provisional ballot cast
11 pursuant to section 49.81.

12 Sec. 15. Section 321.190, subsection 1, paragraph d, Code
13 2014, is amended to read as follows:

14 d. (1) The fee for a nonoperator's identification card
15 shall be eight dollars and the card shall be valid for a period
16 of eight years from the date of issuance. If an applicant
17 for a nonoperator's identification card is a foreign national
18 who is temporarily present in this state, the nonoperator's
19 identification card shall be issued only for the length of time
20 the foreign national is authorized to be present as determined
21 by the department, not to exceed two years. An issuance fee
22 shall not be charged for a person whose driver's license or
23 driving privilege has been suspended under section 321.210,
24 subsection 1, paragraph "a", subparagraph (3), or voluntarily
25 surrendered by the person in lieu of suspension under section
26 321.210, subsection 1, paragraph "a".

27 (2) An issuance fee shall not be charged under this
28 paragraph for a person obtaining an identification card to
29 be used for voting purposes under section 49.77, subsection
30 3. Identification cards issued for voting purposes shall be
31 labeled by the department as "For Voting Purposes Only".

32 Sec. 16. APPLICABILITY. This Act applies to elections held
33 on or after January 1, 2015.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill makes changes relating to proof of identification
3 for purposes of voting at the polls and for purposes of
4 election day and in-person absentee registration.

5 The bill requires that a person provide certain proof of
6 identification at the time that the person votes and creates a
7 criminal offense for falsely swearing certain related oaths and
8 affidavits.

9 The bill requires that a voter provide proof of
10 identification to a precinct election official before being
11 allowed to vote, and also requires that a person wishing to
12 vote by absentee ballot at a county commissioner of elections
13 office or at a satellite absentee voting station present
14 the same proof of identification. The bill requires that
15 acceptable proof of identification show the name of the
16 individual voter, include a photograph of the voter, and be
17 issued by the government of the United States, the state of
18 Iowa, an Iowa public or private university or college, an
19 Iowa secondary school, or a political subdivision of the
20 state. Those documents issued by a political subdivision of
21 the state are required to meet additional requirements. The
22 bill makes changes to the requirements relating to establishing
23 identity for election day and in-person absentee registration
24 by requiring the same proof of identification required by the
25 bill in order to vote.

26 The bill provides that, in lieu of providing identification
27 in order to vote, a person may establish proof of
28 identification by written oath of the person wishing to vote
29 and of a person who provides their own proof of identification
30 and who attests to the voter's identity. The bill provides
31 that the oath shall be in the form prescribed by the state
32 commissioner of elections, and that the oath shall state the
33 identity of the person wishing to vote and shall attest to
34 the stated identity of the person wishing to vote. The bill
35 requires that the oath be signed by both the attesting person

1 and the person wishing to vote. The bill makes it a class "D"
2 felony to falsely swear to or affirm an oath pursuant to this
3 provision or to falsely attest to a voter's identity. The bill
4 requires that the oath advise both persons that falsely stating
5 or attesting to a voter's identity is a class "D" felony. A
6 class "D" felony is punishable by confinement for no more than
7 five years and a fine of at least \$750 but not more than \$7,500.
8 The bill provides that an attesting person is prohibited from
9 signing any additional such oaths for the same election.

10 The bill provides that if a person's name is on the election
11 register or the person has registered to vote at the polling
12 place but the person is unable or refuses to present proof of
13 identification, or if the precinct election official determines
14 that the proof of identification does not meet the specified
15 requirements, the person shall be offered the option to vote
16 a provisional ballot. If a person is casting a provisional
17 ballot under these circumstances, the person shall receive a
18 printed statement giving notice of the types of acceptable
19 identification and notice that the person is required to show
20 acceptable identification before the provisional ballot can
21 be counted. However, the bill provides that a voter casting
22 a provisional ballot for this reason may execute an affidavit
23 in the form prescribed by the state commissioner of elections,
24 affirming that the voter is the person the voter claims to be
25 and affirming that the voter is either indigent and unable to
26 obtain proof of identification without the payment of a fee or
27 that the voter has a religious objection to being photographed.

28 The bill makes it a class "D" felony to falsify an affidavit
29 that attests to identity. A class "D" felony is punishable by
30 confinement for no more than five years and a fine of at least
31 \$750 but not more than \$7,500. The bill also provides that
32 any provisional ballot cast accompanied by such an affidavit
33 shall be presumed valid unless additional written statements
34 or documents are delivered to the county commissioner of
35 elections office prior to the date that provisional ballots

1 are considered and the precinct election board determines that
2 such additional evidence successfully rebuts the presumption
3 of validity.

4 Under current law, a voter whose name is not on the election
5 register but who affirms or insists that the voter is a
6 registrant of that precinct is allowed to vote a provisional
7 ballot. The bill provides that the voter must also provide
8 proof of identification before being allowed to vote a
9 provisional ballot under these circumstances.

10 The bill amends Code section 49.53, relating to the election
11 notice to be published by the county commissioner of elections,
12 to require that election notices include a statement that all
13 voters will be required to show proof of identification before
14 casting a ballot.

15 The bill requires that persons residing in a hospital or
16 health care facility who apply to vote by absentee ballot shall
17 present proof of identification. If the applicant is unable
18 to present proof of identification, the applicant is allowed
19 to execute an affidavit in the form prescribed by the state
20 commissioner of elections, stating that the applicant does not
21 have and is unable to obtain proof of identification and that
22 the applicant resides in a hospital or health care facility.
23 If the applicant refuses to execute such an affidavit and is
24 unable to present proof of identification, the applicant is
25 allowed to cast a provisional ballot.

26 The bill also provides that a person obtaining a
27 nonoperator's identification card for the purpose of voting
28 shall not be charged for the issuance of the nonoperator's
29 identification card. The bill requires that nonoperator's
30 identification cards issued to serve as proof of identification
31 for voting be labeled by the department of transportation as
32 "For Voting Purposes Only".

33 The bill applies to elections held on or after January 1,
34 2015.